106928

ORDINANCE NO. 5
Series 1981

AN ORDINANCE REGULATING THE WATER SYSTEM AND PROVIDING FOR VARIOUS CHARGES IN CONNECTION THEREWITH AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

THE CITY OF ELGIN DOES ORDAIN as follows:

SECTION 1. APPLICATIONS FOR WATER

(1) Applications for the use of city water must be made on printed forms to be furnished by the City. If the applicant is not the owner of the property, then notice that application for water use has been made by applicant and that a lien shall attach to the property for non-payment of water shall be mailed to the owner by the City to the address of owner furnished by applicant within three (3) business days after application has been made. In all cases, the applicant may be held responsible for the payment of all charges and rentals for the use of the same.

SECTION 2. COMPLIANCE WITH STATE PLUMBING CODE.

(1) No connection shall be made, nor shall water service be maintained, to any property in which the plumbing does not comply with the provisions of the State Plumbing Code.

SECTION 3. SEPARATE SOURCE OF WATER SUPPLY.

(1) No connection shall be made, nor shall water service be maintained, to any property in which the plumbing is connected to another source of water supply, whether a valve or valves intervene or not.

(2) No person shall connect a separate source of water supply to a plumbing system theretofore connected to the City's water system, nor shall any person by application therefor cause the city water system to be connected to a plumbing system supplied by another water source, whether such a separate water source can be separated by a valve or not.

(3) For the purpose of this section, such separate water source shall be considered connected to the city water system unless there be a complete break in the piping between such separate water source and the city water system.

SECTION 4. INSTALLATION OF SERVICE AND METER.

(1). The person applying for water service shall furnish the City with a correct location and grade in connection with the installation of such service and meter prior to installation thereof.

(2) In event meter or service shall be changed for the convenience of the property owner after initial installation, the cost of such chnage shall be borne by the property owner.

SECTION 5. USE BY OTHER PERSONS.

(1) No person in control of the property supplied with water from city mains as herein provided shall permit another person or persons to use such water, except such as is to be consumed on the premises from which it is procured.

SECTION 6. ARRANGEMENT OF SERVICE PIPES.

(1) Hereafter all service pipes must be so arranged that the supply to each separate house or premises may be controlled by a separate stop-cock placed within and near the line of the street curb, or other approved location, and one person must pay for all water used through said service pipe.

(2) For a building with a basement, a stop and waste cock of approved pattern, by means of which the peipes in the building may be drained, must in all cases be placed just inside the basement wall in a convenient location. If the building is not so provided with a basement, such stop and waste cock must be placed near the outside wall therof or in another location approved by the city engineer and protected by a suitable box. If water is delivered through the service line before suppling a building, or if the service does not supply a building, such stop and waste cock shall be installed in a suitable box within the owner's property between the meter box and the first delivery point and so located that all piping extending therefrom may be properly drained.

(3) All pipes from the meter or shut-off to the premises must be installed in accordance with good engineering practices, and maintained in good order by the user. The user will be held responsible for any losses or damages occurring from the meter or shut-off to and including the premises, resulting from leaks, freezing or otherwise.

SECTION 7. SEPARATE WATER SERVICE.

(1) Where property is under single ownership and water is supplied through one service pipe to more than one building, family or person, the City may either decline to furnish water until separate service is provided, or may continue the supply on the condition that one person shall pay for all on the same service pipe.

SECTION 8. WATER SHUTOFF.

(1) The water may at any time be shut off from the mains, without notice, for any necessary purpose, and the City will not be responsible or liable for any consequent damages.

(2) In all cases where practicable, the City will give the consumers at least twelve (12) hours notice before the water is shut off from the main.

(3) When a fire alarm is turned in, all persons shall immediately discontinue using water for sprinkling.

SECTION 9. DEFECTIVE FIXTURES.

(1) Water will not be furnished where there are defective or leaking faucets, closets or other fixtures, or where there are closets or urinals without self-closing valves, or tanks without self-acting float valves and stop and waste valves at each hydrant and house connection; and when such may be discovered, the water shall be shut off from such premises and not again turned on until the owner or occupant has made the necessary repairs.

SECTION 10. SIZE OF TAPS AND METERS.

(1) The size of all taps and meters shall be determined by the City based on the amount of water needed.

SECTION 11. INSTALLATION OF TAPS AND METERS.

(1) The charges for installation of taps and meters shall be as set forth in a resolution duly adopted by the City Council.

(2) A water tap shall consist of the tapping process at the water main and the installation of service pipe and other necessary apparatus to the property line nearest to the water main, but in no instance to exceed a distance of fifty (50) feet. The cost of any service greater than fifty (50) feet shall be borne by the property owner. The installation and maintenance of water service lines beyond the water meter shall be the responsibility of the property owner or tenant requesting and/or using the water.

(3) Whenever a change is made in an existing water tap or meter, either of size or location, there shall be no credit for the previous installation charge, except a credit may be allowed for the existing meter if the service was installed within the previous three-year period.

SECTION 12. CITY MAINS.

(1) Only the City, or persons with written authorization and permission from the City,shall be allowed to make connections with the city mains or to make alterations in conduit, pipe, or other fixtures connected therewith, or to connect pipes when they have been disconnected.

(2) Only the City or licensed plumbers may turn water on or off at the meter shut-off on any premises to test their work. Licensed plumbers so turning on or off the water shall see that the meter shut-off is in the same condition as when first found.

SECTION 13. ACCESS TO PROPERTY.

(1) Except as provided in subsection (2) of this section below, City employees shall have access at all reasonable times and hours to all parts of a building or premises in which water is being delivered from the water main for the purpose of inspecting the condition of the pipes and fixtures and the manner in which the water is used.

(2) City employees shall only have access to the interior of occupied dwellings or other living quarters if permission is granted the City employee by the person in charge of the property or if an emergency situation exists necessitating the immediate entry of the City employee.

SECTION 14. IMPROPERLY OPERATING METERS.

(1) When a meter or indicator gets out of order or fails to register correctly, the charge shall be according to the average quantity of water used daily as shown by the meter when in order, or if there be no such average consumption, then the minimum rate of the City shall apply.

SECTION 15. OWNERSHIP AND REPAIR OF METERS.

(1) All water taps, including meters on the city water system, are the property of the City, and any repairs to said meters shall be made by the City.

(2) If a meter is damaged by the carelessness or negligence of the owner or occupant of the premises, the city water department shall repair the meter and the cost of such repair shall be charged against the property.

SECTION 16. ACCESS TO CITY WATER FIXURES.

(1) No person or persons shall place upon or cover up any hydrant, watergate, stop-cock or meter box with any building material or other substance so as to prevent free access to the same at all times.

SECTION 17. ELECTRIC GROUND WIRES.

(1) Electric ground wires attached to water pipes shall be connected at one place only in each building and in such a manner as to be easily accessible and disconnected.

(2) No water pipes shall be thawed by any procedure involving any use of electric current, unless such ground wires are first detached.

SECTION 18. LIABILITY FOR WATER.

(1) All lots, together with improvements theron, to which water is supplied by the City, are hereby made liable to the City for the rent of the water so supplied, and the rent for the water shall be a lien on said property, which may be enforced and foreclosed as provided for by enforcement and foreclosure of other liens on real property by the ordinances of the City.

SECTION 19. WATER SERVICE RATES.

(1) Water service rates within the City sahll be as set forth in Resolution duly adopted by the City Council.

(2) The Council shall have authority to contract for disposition of surplus water at such rates as may be it be deemed proper.

(3) Any person residing within the limits of the City of Elgin and who is over 65 years of age may apply for reduced water service charge, for the dwelling unit occupied by him, and whose application is approved, shall pay the minimum monthly rate as set by resolution by the City Council. Applications for reduced water service charges shall be on forms supplied by the City, filed with or mailed to the City Water Department. All information required to be given on such forms shall be supplied by the applicant and shall be verified by him.

(a) Reduced water service charges shall be granted qualifying applicants therefor who file their applications prior to June 30th for the fiscal year beginning July 1st, and extending through June 30th. Thereafter applications made prior to the first of any month and approved shall be granted for the following billing month and through the balance of the fiscal year. All qualifying senior citizens must submit new applications annually during the months of May and June in order for eligibility to be continued through the next fiscal year from July 1 through the following June 30. A change of address of a qualifying senior citizen terminates the special rate provided herein, but a new application by the qualifying senior citizen at his new address may be made and when approved the reduced rates shall be allowed.

SECTION 20. METER READING AND BILLING.

(1) Meters will be regularly read, weather permitting, and customers shall be billed for the quantity of water consumed between readings. Statements for water charges shall be rendered regularly and shall become delinquent thirty (30) days from the billing date. All statements shall show the billing date.

SECTION 21. TURNING OFF OR ON OF CITY WATER SERVICE.

(1) A person desiring to discontinue the use of water service must give written notice to the City and pay all water rents in arrears, whether such person has been using the water or not.

(2) The City may turn off water used by any person in arrears on water rent, whether water was furnished at the present residence or place of business of the patron or elsewhere. The City may also turn off the water for the violation of any other provision of this ordinance. If any person, other than an employee of the City, turns the water back on, the service will be shut off, secured and a penalty of $25.00 charged against the property.

(3) Whenever the water has been turned off because of delinquency in payment of the water bill or violation of any other provision of this ordinance, the person desiring the water to be turned back on shall pay the service fee for turning on the water, all penalties assessed against the property and all arrears such person may owe for water rent,whether furnished at the place for which it is applied for,or elsewhere.

(4) An after-hours service fee shall be charged for turning on of water service between the hours of 4:00 p.m. and 8:30 a.m., or on Saturdays, Sundays or holidays The service fee for turning water on and off shall be set by resolution by the City Council.

SECTION 22. DISTURBANCE OF CITY PROPERTY.

(1) No person or persons, other than city employees or persons with written permission from the City, shall disturb any of the property, tools, machinery, or other appliance belonging or appertaining to the city department, or use or remove any city fire hydrant, or turn water through the same. No private booster pump shall be installed in any city main or any portion of city line connected therewith up to the meter.

SECTION 23. EXTENSION OF WATER MAINS NOT WITHIN A SPECIAL ASSESSMENT DISTRICT.

(1) When any person or persons who own or are in possession of property which is not within a special assessment district created for the purpose of installing a water main desire to have city water installed or extended so as to serve such property, such person or persons shall make written request to the City Council for an estimate of the cost of such installation.

(2) Upon receiving such a request, the City Council shall determine the size of the water main appropriate to be so installed or extended, taking into consideration both the immediate and remote probable use and requirements of such water main, including its use by property beyond and in addition to property owned or possessed by the persons requesting such estimate. The determination by the City Council of the appropriate size of water main so to be installed or extended shall be made by the City Council after it has received from the City Engineer an estimate of the whole cost of such installation or extension, including, but not limited to, the cost of labor, materials, equipment rental, rights of way, legal supervisory and administrative costs.

(3) If the City Council shall provide by resolution to proceed with such installation or extension, either by having city employees do the work or letting the work on contract, then:

(a) Those persons requesting an installation or extension of water main within the City of Elgin shall first pay to the City the appropriate sum of money required by the rate schedule set forth in a resolution duly adopted by the City Council.

(b) Those persons requesting an installation or extension of water main outside the limits of the City of Elgin shall first pay to the City the appropriate sum of money required by the rate schedule set forth in a resolution duly adopted by the City Council. After the installation or extension of water main is completed, such persons shall in addition, pay to the City the difference between that amount already paid to the City for such installation or extension and the actual cost thereof,including, but not limited to, the cost of labor, material, equipment, right of way, legal, supervisory and administrative costs. Any amount remaining owing shall be a lien on the property until paid. The City shall not make a refund if an excess exists between the amount paid in accordance with the rate schedule set forth in the resolution and the actual cost of the installation or extension.

(4) If the City Council decides not to proceed with an installation or extension of a water main within the limits of the City of Elgin in accordance with subparagraph (a) of paragraph (3) above, the person requesting such an installation or extension may, with the approval of the City Council, proceed in the same manner as provided in subparagraph (b) of paragraph (3) of Section 23 for extensions or installations of water main outside the limits of the City.

(5) Nothing in this ordinance shall be construed as requiring the City to proceed with such installation or extension of water main, either at all or at any time.

(6) Any person making connection with such water main so installed or extended, shall be subject to pay service charges for installation of taps and meters as called for in this ordinance or by resolution.

(7) No person who shall have paid any money to the City under the provisions of this section shall be entitled to any contribution or refund from the City or any other person who may thereafter receive water from such water main or any extension thereof.

SECTION 24. SPECIAL ASSESSMENT DISTRICTS FOR EXTENSION OF WATER MAIN.

(1) Unless otherwise provided by an amendment to this ordinance and except as may be specifically otherwise provided in particular instances by reason of unusual conditions existing in particular special assessment districts, the cost of installation or extension of water mains in special assessment districts shall be apportioned among property owners in such districts on the basis of square feet of area in the lot, except that area beyond 110 feet from the front lot line shall not be considered in computing the amount of square feet to be assessed.

(2) When there is an installation or extension of water main abutting property previously assessed by special assessment district in accordance with the provisions of the above paragraph, the property so previously assessed to the extent of 110 feet is subject to additional assessment beyond 110 feet to the extent it is so benefited.

(3) The rate per square foot for special assessment districts shall be as follows:

(a) For installation or extension of water mains in special assessment districts situated within the City of Elgin, the rate per square foot shall be as set forth in a resolution duly adopted by the City Council.

(b) For installation or extension of water mains in special assessment districts situated outside the limits of the City of Elgin, the rate per square foot shall be as set forth in a resolution duly adopted by the City Council or the actual cost of the installation or extension of water main, whichever is greater. The actual cost of the installation or extension of the water main shall include but not be limited to, the cost of labor, material, equipment, right of way, legal, supervisory and administrative costs.

SECTION 25. CONNECTION FEE FOR PREVIOUSLY UNASSESSED PROPERTY.

(1) Any person, firm, corporation, or property designated to receive water from any water main or extension thereof constructed which have not previously been included in a water main improvement district or have not paid for the extension of water main, whall pay the same rate as the special assessment district set forth in the current resolution adopted by the City Council.

SECTION 26. IRREVOCABLE CONSENT TO ANNEX.

(1) Applications for water connections outside the corporate limits of the City must be accompanied by a irrevocable consent to annex, except when the applicant for water connection outside the corporate limits of the City applies in writing

to the City Counci for a waiver of this requirement and the application is granted.

SECTION 27. WATER SERVICE OUTSIDE CITY LIMITS

(1) Where the property served or to be served is located outside the limits of the City, installation and service sharges under this ordinance shall be the same as the property located within such limits.

(2) Water service rates outside the limits of the City shall be as set forth in a resolution duly adopted by the City.

(3) Except as otherwise provided herein or by resolution duly adopted by the City where the property served, or to be served, is located outside the limits of the City, the water rates, penalties, and other financial charges or impositions under this ordinance shall be 200% of the rates, charges or impositions in effect for property served within the limits of the City.

(4) Where the property served or to be served is owned or occupied by an agency of Union County, Oregon, the State of Oregon or the United States Federal Government, the water rates, penalties, and all other financial charges or impositions under this ordinance shall be the same, whether such property is located within or without the limits of the City of Elgin.

(5) Rates for water service for fire protection purposes and rates for standby hydrants shall be as set forth in a resolution duly adopted by the City.

SECTION 28. REPEAL.

(1) Ordinance Number 7, Series 1974, and all other ordinances, and parts of ordinances in conflict herewith, shall be, and the same are hereby, repealed.

SECTION 29. EMERGENCY CLAUSE.

(1) Inasmuch as it is essential to the preservation of the public health, welfare, peace and safety of the City of Elgin that this ordinance be effective immediately upon its enactment, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND ADOPTED this 10th day of March, 1981. by Seven (7) Councilmen voting therefor.

Approved this 10 day of March, 1981. Russell Hoy
Mayor

ATTEST: Betty Heda
Recorder

(Seal) DOCUMENT # 106928 RECORDED 11-18-82 at 8:30 AM
SHIRLEY L. BOLIN, Union County Clerk
By Barbara S. Baker Deputy

106928

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STATE OF OREGON }
County of Union } ss.

I certify that the within instrument of writing was received for record on the 18th day of NOV 19 82 at 8:30 o'clock A. M., and recorded on page in book Record of Deeds of said County.

SHIRLEY L. BOLIN County Clerk.

By Barbara C. Baker Deputy.